BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: 00-875 & 00-876
WITH RCW 42.17)	
)	
)	REPORT OF INVESTIGATION
City of Seattle)	
Seattle Department of Parks and Recreation)	
Respondents)	
	_)	

I.

BACKGROUND

- 1.1 On February 2, 2000, staff members of the Public Disclosure Commission (PDC) received a formal complaint from Christopher K. Leman, alleging violations of RCW 42.17.190 and 42.17.200, on the part of the Seattle Parks Department, the City of Seattle, Kenneth R. Bounds, Superintendent of the Seattle Parks Department, and other parks department employees. Mr. Leman alleged Kenneth R. Bounds, Superintendent of the Seattle Parks Department, and other Seattle Parks Department employees engaged in an indirect lobbying effort in order to generate support for a park funding bill in the Washington State Legislature, and provided a number of documents along with the complaint
- 1.2 On February 1, 2000, staff members of the Public Disclosure Commission (PDC) received an additional complaint from Skip Knox alleging violations similar to those raised by Mr. Leman.
- 1.3 On March 6, 2000, staff members of the PDC received a supplemental sworn complaint from Christopher Leman, dated March 3, 2000. Mr. Leman alleged the same violations that were included in the February 2, 2000 complaint, but he provided a number of additional attachments.

II.

SCOPE

- 2.1 The following documents, submitted by the complainant Mr. Leman, were reviewed:
 - A. Notarized complaint from Mr. Leman, dated February 2, 2000, that included copies of e-mails, letters, and handwritten notes dating from April 25, 1999 to January 27, 2000. Some of the items submitted were undated.
 - B. Supplemental notarized complaint from Mr. Leman, dated March 6, 2000, that included copies of e-mails, letters and handwritten notes dating from January 5, 2000 to February 1, 2000. Some items submitted were undated.
 - C. Reviewed complaint filed by Skip Knox alleging violations by the Seattle Parks Department.
- 2.2 The City of Seattle and the Seattle Parks Department produced a number of documents in response to requests from the PDC during the course of this investigation. Those documents included emails, correspondence, and memoranda that had been sent and received by Seattle Parks Department employees, the Office of the Seattle Mayor, Seattle City Council members, members of the PRO Parks Committee, and other city departments, individuals and organizations that were involved with parks-related issues. In addition, draft meeting minutes and other back-up materials related to the work of the Pro Parks 2000 Committee was also submitted. All of the documents submitted by the City of Seattle were numbered and included the following:
 - August 11, 2000:submitted 1,897 pages of sequentially numbered documents;
 - September 1, 2000: submitted additional sequentially numbered documents (#1898-2281).
 - March 22, 2001: submitted additional sequentially numbered documents in response to Janet Pelz subpoena (#2282-3141);
 - March 26, 2001: submitted additional sequentially numbered documents (#3142-3213).
- 2.3 Staff members of the Public Disclosure Commission conducted the following interviews under oath:

- ♦ Ken Bounds, Superintendent of the Seattle Parks Department was interviewed in Olympia at the offices of the Public Disclosure Commission on November 20, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Mr. Bounds.
- ♦ Susan Crowley, Chief State Lobbyist for the City of Seattle's Office of Intergovernmental Relations was interviewed in Olympia at the offices of the Public Disclosure Commission on November 20, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Ms. Crowley.
- ◆ Patricia McInturff, Deputy Superintendent of the Seattle Parks Department was interviewed in Olympia at the offices of the Public Disclosure Commission on December 14, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Ms. McInturff.
- ♦ Nick Licata, Seattle City Council member was interviewed in Seattle at the Municipal Building on February 28, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Council member Licata.
- ♦ Susan Dehlendorf, former Department of Neighborhoods employee for the City of Seattle was interviewed in Olympia at the offices of the Public Disclosure Commission on March 22, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Ms. Dehlendorf.
- ◆ Tom Byers, Deputy Mayor for the City of Seattle City of Seattle was interviewed in Olympia at the offices of the Public Disclosure Commission on March 22, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Deputy Mayor Byers.
- ◆ Janet Pelz, former consultant for the Seattle Parks Department was interviewed in Olympia at the offices of the Public Disclosure Commission on March 22, 2000. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Ms. Pelz.

- ◆ Beth Purcell, former employee of the Seattle Parks Department was interviewed at the Seattle office of the Attorney General's Office on March 23, 2001. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Ms. Purcell.
- ♦ Herbye White, Seattle Parks Department employee was interviewed via telephone on April 19, 2001. C. James Frush, an attorney with the law firm of Gordon, Thomas, Honeywell, et al, and Sandra Cohen, an Assistant City Attorney for the city of Seattle represented Mr. White in the telephone interview.

III.

APPLICABLE LAW, ADMINISTRATIVE CODE, & DECLARATORY ORDERS

- 3.1 **RCW 42.17.190** Legislative activities of state agencies, other units of government, elective officials, employees states the following:
 - "2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.
 - (3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include

informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business. This section does not permit the printing of a state publication which has been otherwise prohibited by law.

- (5) Each state agency, county, city, town, municipal corporation, quasimunicipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:
- (a) The name of the agency filing the statement;
- (b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;
- (c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;
- (d) For purposes of this subsection the term "lobbying" does not include:
- (i) Requests for appropriations by a state agency to the office of financial management pursuant to <u>chapter 43.88 RCW</u> nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;
- (ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;
- (iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;
- (iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;
- (v) Any other lobbying to the extent that it includes:
- (A) Telephone conversations or preparation of written correspondence;
- (B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of

Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection; (C) Preparation or adoption of policy positions.

- (7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.
- (8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency."

3.2 **Declaratory Ruling No. 14**

The petition asked for a ruling regarding the application of RCW 42.17.130 and RCW 42.17.190 to school district's activities relating to the support of or opposition to initiatives to the legislature. **See Exhibit #1.** The ruling states in part:

"With respect to initiatives to the legislature that have been certified by the Secretary of State and are pending before the Legislature, the Commission determined in November of 1991 that lobbying by public agencies in support of or opposition to the passage of such initiatives does constitute normal and regular conduct sing public agencies have specific statutory authority to lobby, and is permissible so long as the lobbying acitivites are limited to those allowed by RCW 42.17.190(2) and (3)."

"Reading these sections of law together, the Commission determines that a school district may only use public facilities to:

- a. "at the request of a legislator, respond to that legislator regarding any legislation before the legislature;
- b. while using its proper official channels, initiate communications with the legislature concerning requests for legislative action or appropriations relating to the proper performance of the district's duties or other official business;

c. attempt to influence legislation, in addition to the types of communications specified in items 1 and 2 above, by providing information about official agency business or advocating the district's official position or interests to state or local elected officials or employees."

"Except as enumerated above, a school district may not directly or indirectly use public funds in an attempt to influence the outcome of legislation, including an initiative to the legislature while it is pending before the legislature. As such, school districts are banned from using public resources to undertake grass roots lobbying efforts. Based on the description of grass roots lobbying in RCW 42.17.200 and for purposes of this context, grass roots lobbying is interpreted to mean communicating with members or segments of the general public in a manner intended, designed or calculated to mobilize the general public to influence legislation. Generally, grass roots lobbying efforts encourage citizens to contact their legislators about matters that are or may be before the legislature."

IV.

FINDINGS

- 4.1 On February 2, 2000, staff members of the Public Disclosure Commission (PDC) received a formal complaint from Christopher K. Leman, alleging violations of RCW 42.17.190 and 42.17.200, on the part of Seattle Department of Parks and Recreation, Kenneth R. Bounds Superintendent. Mr. Leman alleged during the 2000 Session of the Washington State Legislature, the Seattle Department of Parks and Recreation, Kenneth R. Bounds, Superintendent of the Seattle Parks Department, and other parks department employees engaged in an indirect lobbying effort in order to influence members of the Washington State Legislature and the governor to support a park funding bill, Senate Bill 6566. See Exhibit #2.
- 4.2 On March 10, 1998, Melissa Warheit, former Executive Director of the PDC, was asked to attend a Seattle City Council Government Committee meeting. Also in attendance at that meeting were Sue Donaldson, Council Chair, Jan Drago, Vice Chair, Sandy Cohen, Legal Advisor to the Council, and Carol Van Noy, Executive Director of the Seattle Ethics and Elections Commission. A videotape of the Seattle City Council Government Committee meeting is available. See Exhibit #3, transcript of the Council Meeting. Seattle City Council Government Chair Sue Donaldson stated the following at the meeting:

"I very much appreciate all of your willingness to join us today and really this grows out of one of those situations where I think some of us said is it really true that we can't call citizens and say this is of interest to you, you need to go down to Olympia, you need to testify on this bill because this is an important issue for you. I've always thought that the law had to follow common sense and this one seems to be contrary to common sense so we thought this was a great place to have a discussion of what are we missing here and if you could clarify this for us and then we will take that information and decide whether we need to lobby for a change in law or lobbying for change of practice or bring a lawsuit. So those are some of the options we see before us, but educate us about this. The issue is are we really not allowed to call up citizens and suggest to them that they testify in Olympia in opposition or in support of a bill that effects them as citizens? (Sue Donaldson statements at the March 10, 1998, meeting, pages 1-2)

Melissa Warheit stated the following in response:

"...I always start out any discussion of public agency lobbying by citing the general rule which is "no public funds may be used to lobby the state legislature" and that is, that's stated in the law which I've set out for you, 42.17.190(2) so that unless an agency is otherwise authorized to spend public funds to lobby it may not. Now .190 includes a huge exception to that which permits agencies to spend public funds to directly lobby the legislature, either members of the legislature or their staff members and agencies are permitted to obviously respond to requests for information from member of the legislature, they are permitted to provide information to the legislature, they are permitted to request action and they are permitted to advocate a particular, the agency's position. And they are required to do all of those things through official channels, they can only, agency's can only communicate on what is considered to be official agency position but within those parameters it's pretty clear that agency's can actively lobby the legislature directly. However there is no exception for what we call grass-roots lobbying which there is no definition of that but we take that to mean the expenditure of public funds to urge citizens or segments of the public to lobby the legislature." (Melissa Warheit statements made at the March 10, 1998, meeting, page 2)

Ms. Warheit reiterated the following:

"...Now there is nothing that prohibits an agency from using its funds to present information to the public or for example from let's say that the council would pass a resolution stating it's support or opposition to a

particular piece of legislation and then publicizing that in a way that you would publicize any other council action. The city council opposes HB blah, blah, blah because blah blah blah, then distribute that information or publicize that information. Or even go beyond on that to have the city prepare an analysis of what the bill does and the impact or the consequences of this bill would be to, the way we see it would be to xyz and then distribute that information. Where the agency needs to stop is before the point where there is a call to action or urging citizens to contact their legislature." (Melissa Warheit statements, pages 3-4)

"And again, the city can use its funds, use public funds to publicize its position. And then if citizens agree with that position or are persuaded by the city's analysis or presentation of the consequences, they certainly are then capable of contacting their legislators to express their opinion." (Melissa Warheit statements, page 5)

Council member Sue Donaldson went on to state the following:

"But your feeling is that we don't, we cannot have a call to action or urge people to call their legislators. Or deliver them down to give testimony in front of their legislators. Right, okay. Well I think your position is quite clear. I think we are going to have to continue to review this because it seems to counter to our role as representing the citizens and wanting the citizens to be engaged in the legislative process, not just in the city but in Olympia so it's helpful and we really appreciate your joining us to make clear your position and I think that's going to be something we're going to continue to look at because it does seem like maybe the language "not otherwise expressly authorized by law" is a place we can look for more flexibility..." (Sue Donaldson statements, page 5)

January 1999-May 1999

- 4.3 During the 1999 Legislative Session, the City of Seattle's legislative agenda included efforts to lobby the State Legislature to modify the Metropolitan Park District law.
- 4.4 On March 15, 1999, a letter was sent from Kenneth R. Bounds, Superintendent of the Seattle Parks Department and addressed to "Dear Friends of the Parks", and copies of the correspondence sent to Mayor Paul Schell and Seattle City Council Member Nick Licata. See Exhibit #4: Document # 1103-1104. The letter stated the following:

"Dear Friends of the Parks:

By now you have probably read or heard discussions about pending legislation that would make changes to the existing state law governing Metropolitan Park Districts. This is potentially important legislation for Seattle's Park system."

"Existing state law governing Metropolitan Park Districts (MPD) is currently available to the city of Seattle and could be a potential source of new park funding. The proposed changes under consideration by the State Legislature would streamline its operation in Seattle by allowing the Mayor and City Council to serve as the MPD Board."

"The Mayor and City Council support the amendments to existing MPD law as a way to make the MPD a more appropriate and effective tool for Seattle to use in enhancing maintenance and expansion of the parks and recreation system and providing greater ability to integrate joint operations with the Zoo Society and the Aquarium Society at the Zoo and Aquarium respectively, consistent with the master plans for both facilities. There is a strong desire by citizens for increased stewardship of the existing system as well as its expansion. A Metropolitan Park District provides the potential of expanding resources to meet the needs of the parks system-particularly the open space and recreation need identified as part of the neighborhood planning process."

"If approved, the changes in state legislation provide the opportunity for the City of Seattle to use the MPD. However, before an MPD can be established in Seattle, two important steps must be taken: (1) if the legislature approves the amendments and the Governor signs the bill, then we would begin an extensive public process to develop a proposal for the City Council to consider; (2) the Mayor and Council would decide if and when to put such a proposal before Seattle voters. An MPD can only be created by a vote of Seattle residents."

4.5 On April 8, 1999, a "Dear Legislator" letter was sent from Seattle Mayor Paul Schell, Seattle City Council President Sue Donaldson, and Seattle City Council member Nick Licata, Chair of the Culture, Arts, and Parks Committee. The copy of the letter provided to the Commission was not on City of Seattle letterhead, and did not contain a signature of any of the individuals above. See Exhibit #5,

Document #1425. The letter thanked legislators for their support of the Metropolitan Park District (MPD) legislation, requested their continued efforts to move the bills through the legislature, and went on to discuss some of the things the MPD legislation would allow the city of Seattle to do. The letter finished with the following:

"We know there are people who expressed concerns about the MPD; they do not speak for all open space advocates. We have been working with representatives of the open space community and are involving them in the development and design of a public process. We have significant support for the MPD and the benefits it will bring to the City. We fully intend to engage Seattle residents in a discussion about what the MPD would fund, and how it would manage operations as well as to address concerns. These are discussions that must take place; however, without your authority to create an MPD that works for Seattle, we cannot even have the discussion."

"We urge your continued efforts to pass the legislation and thank you again for your assistance. Please do not hesitate to contact our offices, or our state intergovernmental relations staff, if we can be of any assistance to you in this process."

- 4.6 The efforts to modify the Metropolitan Park District (MPD) legislation during the 1999 Legislative session were not successful.
- 4.7 On May 3, 1999, a memorandum was sent from Seattle Mayor Paul Schell to all Seattle City Councilmembers regarding the Mayor's Proposed Strategic Capital Agenda. See Exhibit #6, Document No. # 1110-1116. The memorandum states where the city currently stands economically, both as a community and on the environment. The memo goes on to discuss how the city will handle a number of issues such as the natural environment, dealing with growth, the need for leadership, and to take advantage of the economic and cultural diversity of the city.

The memo continues with a section about challenges facing the city, and that since taking office, the community has taken three major steps forward with regard to public schools, affordable housing, and libraries for all, and then discusses the next steps for the city being the Strategic Capital Agenda. The Strategic Capital Agenda prioritizes capital projects for the City of Seattle as being transportation, neighborhood and community parks and open space, and Seattle Center and community centers. Under the section neighborhood and community parks and open space, Mayor Schell states the following:

"I recognize that we do not yet have community consensus on the value or the uses of such a levy. Thus, I have asked the Parks Department and the Department of Neighborhoods to begin a process to engage citizens throughout Seattle in order to develop a better understanding of this idea and guide us on the uses of the funds. I would welcome Council participation in this process. I believe the resulting community support will enable us to get a revised MPD bill through the Legislature in 2000."

> "I will then propose that we submit the neighborhood parks and open space levy to the voters in the fall of 2000."

June 1999-October 1999

4.8 In June of 1999, at the request of Seattle's Mayor Paul Schell, the City's Parks Superintendent and the Chair of the City's Board of Parks Commissioners the "PRO Parks 2000 Citizens' Planning Committee" (PRO Parks 2000) was created. The PRO Parks 2000 Committee members were chosen according to testimony from Seattle Parks and Recreation Superintendent Ken Bounds as follows:

"Essentially there were four parties to identifying names for the Pro Parks Committee, the parks department, myself and staff, the department of neighborhoods because they had been the ones that run the neighborhood planning process....and the city council and the mayor's office. And what we did with the department of neighborhoods is we came with a list of, I don't know how many 15-20 I guess I really don't know and I shouldn't speculate, and we circulated that with the city council members and with the mayors office and we identified some additional folks and there were some people, you know we recognized that there were some gaps in location or interest groups and so we tried to fashion a committee together that we felt was broad based and that we felt represented all different perspectives." (Ken Bounds Interview Under Oath, page 18)

- 4.9 On June 18, 1999, Superintendent Ken Bounds sent a letter to City Council Members announcing the first meeting of the Citizens Planning Committee, and informing the council members of the time and place of the first meeting. **See Exhibit #7, Document #1122-1124.** The letter stated the following:
 - "..We will ask the Committee to work together to develop a finance and program strategy to respond to neighborhood and community park, recreation and open space recommendations that have been identified by citizens of Seattle. The committee is comprised of citizens with a variety of interests and backgrounds related to park, recreation and open space needs throughout out city."

"I am excited to begin working with our Committee on these very important charges. I believe that through the work of this Committee, we will arrive at financing options an a balanced program structure that will permit our parks, open space and recreation system to grow gracefully into the next millennium."

4.10 On June 23, 1999, the first meeting of the Pro Parks 2000 was held at the Seattle Parks Board Room at 100 Dexter Avenue North. According to the meeting minutes, the Conveners at the first meeting were Margaret Ceis, the Chair of the Seattle Park Board and Seattle Parks and Recreation Superintendent Ken Bounds, and there were eighteen Committee Members present.

In addition, Deputy Mayor Tom Byers, Seattle City Council member Nick Licata, Susan Dehlendorf from the Department of Neighborhoods, and Beth Purcell from the Department of Parks and Recreation were also in attendance.

- 4.11 The 28 members of the PRO Parks 2000 Committee were selected as individuals according to testimony, although many of the committee members served in varying capacities on one or more organizations that are active in park issues. These organizations included, but were not limited to, the Woodland Park Zoo Society, Seattle Aquarium Society Board of Directors, Friends of the Athletic Fields, Friends of Seattle's Olmstead Parks, Seattle's Open Space Advocates, League of Women Voters, Civic Foundation, Associated Recreation Council, Seattle Community Council Federation, P-Patch Board, Friends of Discovery Park, members of neighborhood councils and associations, and the Seattle Parks Board.
- 4.12 A "Draft-Work plan Schedule" was submitted by the Pro Parks 2000 Committee, listing the dates/events and topics for meeting schedules of the committee from July, 1999-April/May of 2000. **See Exhibit #8, Document #1202-1203.** The following persons were members of the PRO PARKS 2000 Citizen's Planning Committee:

James Fearn Vivian McLean John Barber Lucy Steers	Cheryl Klinker Jenny Eichwald Patricia Stambor Paul Fuesel	Leslie Harris Walt Crowley Lynn Ferguson Kathleen Warren
Jackie Ramels	Joyce Moty	Dan Stecher
Sue Taoka	Tom Veith	Jim Neff
Karen Daubert	Kay Rood	Bill Arntz
Bruce Bentley	Grover Haynes	Michael Little
Tim Baker	Jerry Arbes	Peter Lukevich
Dorothy Mann		

4.13 In August of 1999, the Seattle City Council adopted Resolution 30003 endorsing the "PRO Parks 2000 Citizens' Planning Committee" (Pro Parks 2000 Committee). **See Exhibit #9, Document #0306-0308.** The Resolution stated the following:

"A RESOLUTION relating to the Department of Parks and Recreation and the Department of Neighborhoods; affirming the formation of a citizens' committee to ensure citizen participation in the development of a package of parks, open space, and recreation projects and programs and a proposed set of options to fund the package of projects and to achieve the funding and management objectives of the Woodland Park Zoo and Seattle Aquarium."

"NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

- 1. The City of Seattle endorses the creation of a PRO Parks 2000 Citizens' Planning Committee to consider the parks, open space, and recreation recommendations identified in the neighborhood plans, Sand Point Planning, Joint Athletic Fields/Development Program, Zoo and Aquarium Master Plans and the Parks Complan.
- 2. The City of Seattle directs this committee to evaluate and recommend funding tools available, including bonds, levies, and junior taxing districts.
- 3. The City of Seattle requests that this committee develop a proposed package of parks, open space, boulevards, and recreation projects and programs and identify strategic options to fund these improvements, acquisitions, operations, and maintenance to present to the Mayor and the City Council.
- 4. The Superintendent of Parks will provide periodic updates on the committee's work to the Mayor and City Council."
- 4.14 The first meeting of the Pro Parks Committee was held more than five weeks prior to the Seattle City Council adoption of Resolution 30003. The PRO Parks 2000 Committee conducted meetings from June of 1999-April of 2000. The meeting minutes or draft meeting minutes were provided for the majority of the meetings. The Pro Parks 2000 Committee held meetings as follows:

I 22 1000	I1 7 1000	I1 27 1000
June 23, 1999	July 7, 1999	July 27, 1999
August 10, 1999	August 31, 1999	September 28, 1999
October 5, 1999	October 20, 1999	October 26, 1999
November 10, 1999	November 16, 1999	December 7, 1999
December 22, 1999 (*)	January 18, 2000	February 1, 2000
March 21, 2000	March 28, 2000	April 3, 2000
April 18, 2000	April 25, 2000	_

(*) NOTE- the December 22, 1999, meeting was a meeting of the Community Strategy Subcommittee, which convened for at least one meeting according to the testimony.

4.15 On July 8, 1999, Superintendent Ken Bounds sent a letter on the City of Seattle Parks Department letterhead to members of the Pro Parks Citizens' Committee. **See Exhibit #10, Document #1198.** The letter went on to state the following:

"Dear Citizens' Committee Member:

In response to your feedback from the first meeting, we have broadened the outreach about this committee's work to the larger Seattle community. Many of you noticed that Channel 21 filmed the last meeting. The tape is scheduled to air at 10:00 a.m. on Tuesday, July 13th and at 2:00 p.m. on Wednesday, July 14th. This schedule could change, however, so if you are planning to view or tape the program you may want to confirm the times on Channel 21's web sit at www.ci.seattle.wa.us/tvsea or by calling 684-8824. A broad mailing announcing the committee's work was distributed to over 250 park and recreation advocates. We are continually adding names to that list and are sending out updated information to those advocates that have contacted us and requested information. We anticipate another broad mailing will be conducted in the fall. Additionally, the Department's website has been updated to include information on the committee's work and dates for upcoming meetings."

4.16 On July 9, 1999, Superintendent Ken Bounds sent a letter on the City of Seattle Parks Department letterhead to "Park and Recreation Advocate". **See Exhibit** #11: Document #1199. The letter went on to state the following:

"Thank you for your interest in the Citizen's Planning Committee for Parks, Open Space and Recreation....Our second meeting was very successful and informative. Presentations were made on many of the ongoing planning efforts involving parks and recreation throughout the city. Please contact us if you are interested in receiving summaries on any of these presentations. In addition, Channel 21 filmed the last meeting and has scheduled the program to air at 10:00 a.m. on Tuesday, July 13th and at 2:00 p.m. on Wednesday, July 14th. This schedule could change, however, so if you are planning to view or tape the program you may want to confirm the times on Channel 21's web sit at www.ci.seattle.wa.us/tvsea or by calling 684-8824."

October-November 1999

4.17 During this period, the Seattle Parks Department hired a public affairs consultant at \$115 an hour to facilitate the Pro Parks 2000 Committee meetings, and the Pro Parks 2000 Committee convened five meetings. Superintendent Ken Bounds sent letters to state legislators, inviting them to attend one of the Pro Parks meetings and be part of a "legislative panel".

Four state legislators agreed to attend the meeting, and were asked to complete a questionnaire that addressed specific legislative strategies. The Parks Department also distributed a letter to Pro Parks Committee members that included four pages of attachments that listed the "attributes of a legislative strategy" and two matrices regarding the comparison of attributes of funding options. That letter and attachment was Cc: to the City and Citizen Distribution List, although the interviews under oath failed to provide a specific recollection about who was included on those lists and how widely they were distributed.

4.18 On October 10, 1999, Ken Bounds, Superintendent of Seattle Parks and Recreation Department signed a Consultant Contract of \$5,000 and Over with Janet C. Pelz, with Pelz Public Affairs. See Exhibit #12, Document #2282-2283 & #2290. Ms. Pelz had previously served as the public affairs director for the Washington State Major League Baseball Stadium Public Facilities District, as communications director for the Port of Seattle, and former executive Director of the National Abortion Rights Action League (NARAL).

Ms. Pelz attended her first Pro Parks 2000 Committee meeting on August 31, 1999, almost six weeks before the contract was signed with the Seattle Parks Department. The contract stated Ms. Pelz was to provide consulting services through June 30, 2000, at the rate of \$115.00 per hour, with a maximum payment not to exceed \$32,200. Under Part C of the Consultant Agreement, the statement of work included an overview that stated the consultant shall facilitate all scheduled meetings of the Pro-Parks Citizen's Committee. In addition, the Superintendent, Deputy Superintendent and the Chair of the Pro-Parks 2000 committee are responsible for convening a committee to develop a package of parks, open space and recreation projects and strategies for funding this package. To meet this task, the Superintendent has identified a consultant to facilitate and assist with the meetings for the Pro-Parks 2000 Citizen's Committee.

Under the section addressing the responsibilities of the consultant, the contract stated the consultant shall provide all services and materials for Pro-Parks 2000 Committee facilitation and assist with all meetings on a specific schedule to be provided by the Superintendent or his designee. The work plan stated the consultant shall facilitate and assist with all scheduled meetings of the Pro Parks 2000 Committee.

4.19 On October 13, 1999, Superintendent Bounds sent letters to four state legislators inviting them to attend and participate in the upcoming October 20, 1999, Pro Parks 2000 Committee meeting. See Exhibit #13, Document #1261-1262. The letters informed House of Representatives Co-Speaker Frank Chopp, State Representative Maryann Mitchell, State Senator Jim Horn, and State Senator Jeanne Kohl-Welles about the location of the meeting, the time their portion of the meeting begins, and some background information about the Pro Parks 2000 Committee. The letter went on to state:

"Mayor Schell and City Councilmembers hope to incorporate the recommendations of the Committee when the City's state legislative agenda is forwarded later this year. The Pro Parks 2000 Committee has been meeting regularly for the past 4-5 months. The work of the Committee has been approved by the Mayor and City Council."

"... The discussion will focus on state legislative strategies for funding. The Committee is very interested in hearing your perspectives regarding the political feasibility of pursuing additional local taxing authority to provide added revenues for parks, recreation, open space and maintenance in the City of Seattle. Several other state legislators have been invited which will help to provide a broad perspective for the committee. An agenda for the meeting and a short list of questions for you to consider are attached."

4.20 The questions for Co-Speaker Frank Chopp, State Representative Maryann Mitchell, State Senator Jim Horn, and State Senator Jeanne Kohl-Welles, along with a list of names of the Pro Parks 2000 Committee members, and an unsigned draft Resolution from the City of Seattle endorsing the Pro Parks 2000 Committee. Department. See Exhibit #14, Documents #1265-1269. The document was entitled "PRO Parks 2000- Committee Meeting with State Legislators" and began with an overview section, and then stated the following:

"In order to make informed and realistic recommendations the Committee would greatly appreciate your opinion, as a state legislator, on the specific questions listed below:

- 1. How is the Legislature likely to respond to a request for new local taxing authority (in other words, not a modified MPD) but some new vehicle for parks and recreation purposes? If not property tax, do any other opportunities exist, such as dedicated sales tax, that could capture financial support for local parks and recreation and/or regional facilities such as the Zoo and regional parks?"
- 3. "How is the Legislature likely to respond to a request for legislation that gives cities the option, with the vote of the people, to access unused junior taxing district capacity (\$.50) for limited parks and recreation purposes, provided that they forgo their ability to create a Metropolitan Parks District?"

"Whether a modified MPD or some new taxing authority, we would like your perspective in the following over-arching political questions:

- 1. How do the following help or hurt chances for gaining legislative approval:
 - ♦ Full support from the Zoo Society-a private non-profit organization
 - **♦** Full support from the Seattle Aquarium Society- a private non-profit organization
 - **♦** Support from Seattle neighborhood activists
 - **♦** Support from Seattle elected officials
 - ♦ Significant bipartisan support
 - ♦ Opposition from any of the above
- 4.20 On October 20, 1999, the Pro Parks 2000 Committee held a meeting. The minutes indicated the meeting began with a welcome, followed by public comment and committee deliberations, and then the four State Legislators joined the Committee and were introduced by Susan Crowley, Lobbyist for the City of Seattle. See Exhibit #15, Document # 0408-0414. The legislators included Senator Jim Horn-41st District-Bellevue, Mercer Island; Representative Mitchell-30th District including Federal Way; CoSpeaker Chopp-43rd district including Capital Hill, Freemont, South Lake Union; Senator Kohl-Welles-36th District including Queen Ann, Magnolia, Phinney ridge, Ballard.

Each legislator made introductory comments about the legislature, the LPA and MPD legislation, taxation and funding issues, the likelihood of passage, taxing districts, Initiative 695, and the Zoo and Aquarium. The legislators then had discussions with Pro Parks covering a number of issues including how I-695 will dominate the legislative session, the MPD legislation from last year, funding issues and options, how the Zoo is perceived by the legislature and citizens, the protection of workers if privatized, and the need for the Pro Parks 2000 Committee to have some consensus.

4.21 On October 22, 1999, Deputy Superintendent Patricia McInturff sent a letter to Pro Parks Committee Members regarding the October 20, 1999, Pro Parks meeting and informing them about the next meeting on October 26, 1999. The letter had four pages attached that included a list of the "attributes of a legislative strategy" and two Pro Parks matrices regarding the comparison of attributes of funding options. The letter and attachments indicate they were Cc: to the City and Citizen Distribution List, although the interviews under oath failed to provide a specific recollection about who was included on those lists and how widely they were distributed. See Exhibit #16, Document #1938-1942. The letter went on to state:

"We decided for this upcoming meeting we should:

- 1. Hear from the Zoo Society regarding their perspective on the two legislative strategies that seem to have the greatest possibility of acceptance in Olympia (these being the two discussed by the legislative panel on Wednesday);
- 2. Determine which attributes strengthen the proposals to the greatest extent (review the list of attributes we created-see attached-and poll the committee);
- 3. Compare the strengths and weaknesses of these two different potential legislative strategies as amended;
- 4. Vote on a preferred strategy in preparation for making a final recommendation to the Executive and City Council by the November 10 meeting."

There were four pages attached to the letter that included the following:

- ◆ Document #1939-1940: Entitled "The List of Potential Attributes for a Legislative Strategy" goes on to list 24 potential attributes of a legislative strategy and one additional benefit, while only listing 6 weaknesses;
- ◆ Document #1941-1942: Two Pro Parks Matrices; 1) Comparison of Attributes of Funding Options; 2) Attributes for Option 1-Rewriting the MPD Legislation.
- 4.22 A memorandum dated October 25, 1999, and a revised date of October 29, 1999, from Patricia McInturff and Ken Bounds was sent on the City of Seattle letterhead to members of the Pro Parks Committee. See Exhibit #17, Document #1936-1937. The subject of the letter was "Legislative strategy discussion; preparation for 10/26 Committee meeting." The letter went on to state:

"Having an opportunity to hear directly from four State Legislators on Wednesday gave us yet more information to consider. As we discussed at the conclusion of Wednesday's meeting, it appears as if the committee is now debating the relative merits of two different legislative options. Hopefully this memo will help to organize the vast amount of information we've heard in order to prepare us to make some decisions at our meetings on Tuesday 10/26. In considering these two options, I hope you will remember three points made by the legislative panel:

1) <u>Strive for consensus:</u> We have the best chance of winning something in Olympia when we have the broadest coalition of support.

- 2) <u>Arriving at consensus usually requires compromise:</u> Each committee member should be prepared to negotiate on some points in order to get the strongest overall position.
- 3) <u>Time is of the essence:</u> The legislative session is starting soon and will be over quickly. If we wish to have any chance for success, we've got to present a unified front as soon as possible."

The letter went on to provide details about the two options beginning with a brief description about the options, what the options would provide, the benefits and weaknesses of each option, and what possible modifications could include.

4.23 On November 18, 1999, Superintendent Bounds sent a letter to Jorgen Bader, President of the Seattle Community Council Federation, and a vocal opponent of the 1999 MPD legislation. See Exhibit #18, Document # 1282-1284. The letter went on to state:

"At Tuesday's PRO Park 2000 meeting, a committee member mentioned that the Federation would be taking a vote on whether or not to support the creation of a Metropolitan Park District in Seattle. I was concerned that the Federation would be taking a vote without hearing from members of the PRO Parks 2000 Committee or the City. More importantly, it is not clear what the Federation would be supporting or opposing since the City has not yet drafted legislation. The City Attorney is drafting legislation at the direction of the PRO Parks Committee. It will address the concerns of the committee, the Federation, and other park advocates in the community."

December 1, 1999-January 8, 2000

4.24 During this time period just prior to the 2000 Legislative Session beginning, the Pro Parks 2000 Committee sent a "Dear State Legislator" letter drafted by employees of the Seattle Parks Department that was signed by all 28 members of the Pro Parks Committee urging support for the Local Park Authority (LPA) legislation. The Pro Parks 2000 Committee also convened one full committee meeting, and there was also one meeting of the Community Strategy Subcommittee. The subcommittee meeting agenda included a LPA legislation update, a review of the materials distributed, an agenda item entitled "Schedule speaking engagements/obtain letters of support", and the subcommittee assignments.

- 4.25 Superintendent Ken Bounds and Deputy Superintendent McInturff sent out a letter on Parks Department letterhead to Park and Recreation Advocates, soliciting assistance to support the legislation and informing them to contact the Parks Department to learn more about the legislation. In addition, Superintendent Bounds also distributed a letter to Community Council members soliciting their support to promote the legislation during the upcoming legislative session. The interviews under oath failed to provide a specific recollection about who was included on those lists and how widely they were distributed.
- 4.26 On December 14, 1999, at 10:28AM Melinda Williams, public affairs consultant for the Woodland Park Zoo Society e-mailed Patricia McInturff, Seattle Parks Deputy Superintendent, regarding community council presentations. Ms. Williams referred to earlier conversations with Ms. McInturff discussing speaker bureau presentations to community councils. Document #; See Exhibit #19, Document #0041. Ms. Williams went on to state the following:

"I won't bother you with the names of the Kiwanis Clubs, Senior Centers and the like, but Lisa (Lisa Olsiewski, Community Relations Manager for the Woodland Park Zoo) has already met with the Capitol Hill Community Council, Wallingford Community Council and the Westwood Neighborhood Council (we just started this program in November). All of these groups were very positive and supportive. Capitol Hill even asked Lisa to let them know what they could do to help support us. She is waiting to hear back from over a dozen community councils who are finalizing their programs for January and February. I will forward dates and times to you as they are scheduled."

4.27 On December 15, 1999, at 3:31PM Patricia McInturff e-mailed Melinda Williams regarding great work. **See Exhibit #20, Document #0042 (original message in the middle portion of the e-mail).** Ms. McInturff informed Ms. Williams of the following:

"We are making some edits to the document on process and the letter for the committee members to sign and send to legislators" "...Any suggestions would be appreciated. We have not got the letter to the Community Council's (from Ken and hopefully Nick) drafted yet. I will send it as soon as we have something on paper—We understand that Dan will be writing his own letter, and getting committee signatures, to the Community Council's, especially those in the CC Federation. We have also started a list of groups to contact for letters of support..."

The bottom portion of the e-mail in Exhibit #20, contains an e-mail apparently sent to Ms. McInturff complimenting her about the work with Dan Stecher, a Pro Parks 2000 Committee member. The e-mail goes on to address how important it is to have Mr. Stecher's letter included in the packet given to legislators. (See Exhibit #, Document #0069, January 4th letter)

4.28 On December 17, 1999, at 12:20PM Beth Purcell e-mailed Pro Parks Committee members regarding PRO Parks 2000 legislation. **See Exhibit #21**. Ms. Purcell noted the correspondence is forwarded on behalf of Ken Bounds, superintendent. Ms. Purcell congratulated the committee members, informed them about the legislation being accepted by the city and that is has been forwarded to the state legislature, and went on to state the following:

"Our next steps are critical to the success of your work put forth to date. Given that this is a short session, we will need to move quickly if we are to get our legislation heard and approved. We will be working on legislative and community based strategies to accompany the bill to Olympia and will need your help and participation. We will also begin identifying the process for broader public input and awareness of this Committee's work. Additionally, a subcommittee has been formed to begin working on the provisions that will be included at the local level."

4.29 On December 22, 1999, PRO Parks Community Strategy Subcommittee held a meeting. See Exhibit #22, Document #0059-0060. There were eleven people in attendance, with only three Pro Parks committee members in attendance. The other attendees included three Seattle Parks Department employees and one former employee, the lobbyist for the City of Seattle, a Seattle City Council member, the consultant for the Pro Parks hired by the Parks Department, and a public affairs consultant from the Zoo Society. The legislation was discussed and reviewed along with the legislative strategy and timeline. The draft meeting minutes included some of the following comments:

Peter Luckevich, a member of the Pro Parks 2000 Committee: "We need five key votes-we need a parks oriented person on the R side."

Dan Stecher, a member of the Pro Parks 2000 Committee: "We need to focus on the community councils. I have drafted a letter to community councils that I hope to get signatures from committee members – it is better if it comes from us then from DPR or the City."

With regard to the subcommittee, Pro Parks committee members Dan Stecher, Peter Luckevich and Patricia Stambor agreed to be the co-chairs of the Community Strategy Subcommittee. According to the minutes of the Pro Parks Committee, a number of issues were addressed at the meeting, which included some of the following:

- Mayor-needs to call individual legislators-Susan.
- Organize a lobby day in Olympia Catherine to help.
- Reach out to support groups-Peter has access to sports network statewide.
- Get committee letter to legislators to PRO Parks members prior to Jan 4th meeting-Beth.
- Provide map with legislators names and numbers so that Pro Parks members will call individual legislators Beth to get from Susan.
- Get affilations from PRO Parks members-Dan/Peter/Patricia S.
- 4.30 Janet Pelz, the facilitator for the Pro Parks 2000 meetings stated the following regarding Pro Parks members and organizations they were involved with:
 - "...the 28 person Pro Parks committee and these organizations include, that is what I was referring to about trying to get the affiliations of organizations because we wanted to be able to portray sort of the depth of community involvement represented by the members of the community." (Janet Pelz Interview Under Oath, pages 51-52)
- 4.31 The Pro Parks 2000 Community Strategy Subcommittee meeting agenda included a LPA legislation update, a review of the materials distributed, an agenda item entitled "Schedule speaking engagements/obtain letters of support" and the subcommittee assignments. In addition, attached to the agenda was a PRO Parks 2000 Community Outreach Calendar for January and February. See Exhibit #23, Document #1291-1293. The PRO Parks 2000 Community Outreach calendar for January and February 2000 shows community scheduled meetings in which Pro Parks members either attended, were scheduled to attend, none attended, or blank being listed for some of the dates. The interviews under oath failed to provide any specific recollections about who maintained the Community Outreach calendar (although it was provided to the PDC by the Parks Department), and whether any of those meetings listed included a presentation from the Pro Parks Committee members.
- 4.32 When asked about the PRO Parks Community Strategy Subcommittee, Superintendent Ken Bounds stated the following:

"I was not on that committee, what I know is that the Pro Parks committee wanted to organize themselves, again to be able to go out to the different community groups and talk about the work that they had done so that they could communicate that work to the community groups. Again, the primary purpose of that was to get good accurate information because there were individuals from our perspective and from the committees perspective were spreading inaccurate information to community groups and so we wanted to, before a community council passed a resolution that said that they opposed or supported this legislation, we wanted to make sure they had that information"

- "... They knew as well as we knew that we had to at least get the information out to people and that's one reason why we, we sent out as much as we could, as often as we could so that people could review for themselves and we wanted to make sure that we had people in attendance. Because, remember again the goal here, in my mind and in the committees mind was not getting a local park authority passed in Olympia, the goal is having something on the ballot in the fall of 2000 that is going to secure some resources." (Ken Bounds Interview Under Oath, pages 42-43)
- 4.33 On December 28, 1999, a letter signed by Seattle Parks Superintendent Kenneth R. Bounds and Deputy Superintendent Patricia McInturff, was sent to Park and Recreation advocates on Seattle Parks Department letterhead. The letter was printed and mailed by the Seattle Parks Department, and attached to the letter was a copy of the proposed legislation. See Exhibit #24, Document #0063. The letter stated the following:

"Dear Park and Recreation advocates:

We are excited to announce that the legislation, crafted by the PRO Parks 2000 Committee, has been completed and forwarded to the State legislature. The legislation is similar to what was proposed last year in terms of intent...but has gone much farther in securing protections for citizen access and oversight. The development of this legislation is also markedly different in that it was created through an open, public citizen process.

The PRO Parks Committee continues to work hard into the new year and will be looking for your support when legislation is presented in Olympia. If you are interested in assisting the Committee, or are part of an organization that is interested in learning more about the legislation, please contact Beth Purcell at 684-7143 so that we can schedule a time to come meet with you."

4.34 When asked who this letter was sent to, Superintendent Bounds stated he didn't know who all it was sent to. When asked what the purpose of the letter was, Mr. Bounds stated the following:

"the main purpose of this letter is to again communicate to our vast and varied constituent groups, where we were in the process and again this is not only our first letter, we sent out to a fairly extensive mailing list of park organizations and individuals who had indicated an interest, explaining where we were in the process so that was the main intent of this was to keep people informed. We got criticized in 1999 for not informing anybody and so we wanted to make sure everybody knew what was going on and when." (Ken Bounds Interview Under Oath, pages 36-37)

- 4.35 The legislation, Senate Bill 6566, would offer first class cities over 500,000 in the State of Washington the option of forming a Local Park Authority (LPA) through a vote of its citizens. The bill would provide for the dedicated funding of parks and recreational facilities, including the maintenance, operations, and capital funding of those projects. In addition, it would also allow for the nonprofit management of Woodland Park Zoo and the Seattle Aquarium.
- 4.36 According to the Bill Report, Senate Bill 6566 if approved, would have given the City of Seattle the opportunity to place before the voters a ballot measure that would have given them the authority to levy an additional regular property tax not exceeding \$0.50 per \$1,000 of assessed valuation. See Exhibit # 25. The ballot measure would have required a 50 percent majority vote, and the funds would have provided for constructing, maintaining, and operating a public zoo, aquarium, parks, and open space. The legislation would have allowed the city to contract with one or more nonprofit corporations or other public organizations for the overall management and operation of a zoo and/or aquarium.
- 4.37 On January 4, 2000, a draft letter for the Pro Parks 2000 Committee was addressed to "State Legislators" and signed by all 28 members of the PRO Parks 2000 Committee. The letter was prepared for the Pro Parks Committee by staff members of the City of Seattle Parks Department, and Janet Pelz, facilitator for the Pro Parks 2000. See Exhibit #26, Document # 0066-0068. The letter went on to state the following:

"Dear State Legislator:

We are members of the Seattle Pro-Parks 2000 Committee, writing to urge your full support of legislation which would provide an alternative to the existing Metropolitan Park District (MPD) statute. This legislation would provide assistance to the Woodland Park Zoo and other select park projects. We believe this is the best proposal for addressing important local priorities for maintaining and enhancing the Zoo and parks in our community."

"The more that members of our community learn about this proposal, the more they are willing to express their support for its passage. Please feel free to call on us for any assistance you might require; we are seeking to be helpful to you as you work to support this legislation. Thank you very much for your consideration, and again, please do not hesitate to call on us for clarification and support."

4.38 On January 4, 2000, an unsigned letter was provided by the Seattle Parks Department with the words "written by Dan Stecher" above the salutation. **See Exhibit #27, Document #0069.**

The letter was apparently addressed to "Community Councils & Parks Organizations" and contained the salutation "Dear Community Leaders". In addition, the name and address at the top of the page stated "Concerned Parks and Open Space Vounteers" (See Melinda Williams e-mail response to Patricia McInturff e-mail, Document #0042). The letter talked about the background and work of the Pro Parks 2000 Committee, and went on to state the following:

"Now, several committee members wanted to contact your organization independently of the city. We wanted to do so on our own responsibility to enlist your organization's support for the draft legislation that would enable Seattle to establish a local park authority upon a vote of the people."

4.39 On January 5, 2000, a letter was sent from Kenneth R. Bounds to Community Councilmembers informing the members that the legislation, crafted by the PRO Parks Committee, had been completed and forwarded to State Legislature. See Exhibit #28 (NOTE-this document was included in Mr. Leman's complaint). Mr. Bounds provided some background information about the Pro Parks 2000 Committee, and advised the council members that the upcoming legislative session was a short session and said he was contacting their organization and others like it to discuss the work of the Committee and their recommendation. Mr. Bounds states went on to state:

"The Committee is confident that his is the best state mechanism to provide a steady stream of revenue for parks and recreation needs ranging from neighborhood plan elements to enhancing the environment and educational works of the Woodland Park Zoo and Seattle Aquarium. We think this bill represents a significant improvement over pervious efforts to modify MPD legislation. Most importantly, this rewrite includes provisions that specifies for local voter approval of limits of MPD powers beyond what is currently included in this statute."

"We hope to gain your support in promoting the bill during this legislative session. We welcome the opportunity to meet with you in the next few weeks to share more information about this work and discuss how your organization can help our efforts."

4.40 On January 8, 2000, at 12:46 PM Lucy Steers, a member of the Pro Parks Committee, sent an email to fellow Pro Parks member Dan Stecher regarding local ballot measure subcommittee. See Exhibit #29, Document 1295-1296. Ms. Steers expresses her concerns in part as follows;

"While we're on the subject of legal matter, however. I am getting increasingly uncomfortable with our discussions of lobbying strategies, discussions taking place in a public place, and to some degree under the direction of public employees – especially in light of the recent lawsuit filed against King County for its advocacy mailing piece aimed at getting folks to Olympia to rally for more bus money. That action is not so different from what we're engaging in – it only varies by degree of expenditure and specifics, not be intent."

"I would like to see an opinion from Sandy Cohen on what is permissible. My understanding has always been (based on a long ago query of the Ethics Office) that until a ballot measure was officially slated for the ballot (via an adopted ordinance) there was nothing legally wrong with public officials and facilities and services acting on behalf of it, but that may be an incorrect or outdated assumption. It somehow feels weird for me to be sitting in a parks dept building discussing how to lobby my legislators re an official piece of business—even if we did much to develop the piece of legislation under discussion. Could Sandy advise us on this?"

4.41 A memorandum dated January 14, 2000, was sent from Beth Purcell to Pro Parks 2000 committee members that included a number of attachments. **See Exhibit** #30, **Document** #0569. The memorandum included an "Additional Information-Employee Political Activity handout- What is a ballot proposition". One of the attached documents included information from the City of Seattle Ethics and Elections Commission. **See Exhibit** #30, **Document** # 0584. The information discussed permitted campaign activities under State Law, RCW 41.06.250 for employees, and prohibited campaign activities under RCW 42.17.130 and Seattle Municipal Code 2.04.300. The Seattle Ethics and Elections Commission has no statutory authority with regard to either state or local lobbying requirements. The information did include the following:

Permitted Campaign Activity:

- Right to vote;
- Express opinions on all political subjects and candidates;
- Hold any political party;
- Participate in the management of a partisan, political campaign;
- Participate fully in campaigns relating to constitutional amendments, referendums, initiatives;
- Participate fully in campaigns for nonpartisan office.

Prohibited Campaign Activity:

• Engaging in campaign work (volunteer or paid) during City paid time, except vacation time;

- Using office space, telephones, stationary, etc., at any time, to assist a candidate or to support or oppose a ballot proposition;
- Using City position to endorse or oppose a candidate or ballot proposition.
- 4.42 Page No. #5 of the Final Meeting Minutes of the Pro Parks 2000 Committee meeting held on January 18, 2000, included statements made by Seattle Parks Department Deputy Superintendent Patricia McInturff. See Exhibit #31, Document #0451. Ms. McInturff stated the following:

"We have passed out and mailed out a copy of the Ethics Office information sheet on what public agencies can do to promote legislation. Basically work can continue by the City until the City Council puts it on the ballot. Also-this is the time to contact your legislators/. Anyone who wants to go to Olympia-please get in touch with me or Beth pt schedule."

January 10, 2000-February 2000

- 4.43 On Monday, January 10, 2000, the 2000 Legislative Session begins. During this timeframe, Senate Bill 6566 had its First Reading and was referred to the State & Local Government Committee on January 19, 2000. A number of emails were sent and received by Seattle Parks Department employees, Pro Parks 2000 Committee members, Seattle City lobbyists, private sector lobbyists and consultants, and other individuals or organizations. The majority of those communications were regarding Senate Bill 6566 and the legislative strategy for promoting its passage. Some of those emails that were either sent or received included "Calls to Action" and "Legislative Alerts" that urged citizens to contact legislators stating their support for SB 6566.
- 4.44 Superintendent Ken Bounds and Seattle Park Board Chair Margaret Ceis, sent out a letter on Seattle Parks Department letterhead to "Community Council members, Neighborhood Stewards and Park Advocates." The letter solicited support for the passage of SB 6566, and informed the recipients to contact the Parks Department to learn more about the legislation. In addition, Superintendent Bounds sent a letter on Seattle Parks Department letterhead to "Friends of Parks and Recreation", which also solicited support for SB 6566 during the upcoming legislative session. The interviews under oath failed to provide a specific recollection of either letter with regard to whom was included on those lists and how widely they were distributed.
- 4.45 On January 12, 2000, at 1:59 PM Seattle Parks Department employee Beth Purcell e-mailed Lisa Olsiewski, Community Relations Manager for the Woodland Park Zoo. See Exhibit #32, Document # 1017 (bottom portion).

The email discussed the cancellation of the community strategy subcommittee meeting due to one of the lobbyists who had planned on attending could make it to the meeting, and informs Ms. Olsiewski about the next meeting. The email went on to state:

"We are still working on outreach to community groups-if you are interested in attending any of the community council or district council meetings in your neighborhood or other neighborhoods over the next month to speak on behalf of the work that PRO Parks is doing-please contact us so we can help to set that up."

4.46 On January 14, 2000, a letter signed by Seattle Parks Superintendent Kenneth R. Bounds and Seattle Park Board Chair Margaret Ceis, was sent to "Community Council members, Neighborhood Stewards and Park Advocates." See Exhibit #33, Document #0091-0092. The letter informed them of the Pro Parks 2000 Committee, discussed a number of its accomplishments, and recommended that the City of Seattle pursue funding through legislation to provide an alternative to the existing Metropolitan Park District. The letter stated the following:

"Dear Community Council members, Neighborhood Stewards and Park Advocates:

Over the past several years, thousands of you have contributed countless hours to create a plan that represents a vision of your neighborhood. Parks are important to you ...in fact, there are well over 200 million dollars in park related neighborhood planning recommendations."

- "...The legislation, crafted by the Pro Parks Committee, has been completed and forwarded to the State Legislature. With a short legislative session beginning January 10, we are contacting your organization and others like it, so that we may discuss the work of the Committee and their recommendation. We hope to gain your support in promoting the bill during this legislative session. We welcome the opportunity to meet with you in the next few weeks to share more information about this work and discuss how your organization can help our efforts."
- "...We hope that you will feel free to contact either of us or the Pro Park Committee members, who represent you as fellow citizens, if you have any questions or would like to meet with any of us to hear more about the recommendations."
- 4.47 In the interviews conducted, no one was able to recall the number of letters printed and sent by the Seattle Parks Department, and who the recipients were other than the groups listed in the salutation.

4.48 On January 14, 2000, at 2:07 PM Patricia McInturff, Deputy Superintendent of the Seattle Parks Department, emailed Beth Purcell with the subject listed as "Legislative Alert". **See Exhibit #34, Document No. #0090.** The email stated the following:

"Pro Parks Members,

I just spoke with Susan Crowley. She asked that each of you PLEASE contact your own Seattle legislator by e-mail, phone, or if you are really ambitious, in person to let them know that you support the LPA. She said it is REALLY important that Seattle legislators hear from you ASAP. Please let me know what you hear and also please let me know if any of you plan to drive to Olympia. Thanks, Patricia."

4.49 A printout of the History of Senate Bill 6566 from the website of the Washington State Legislature indicated the following history (**See Exhibit # 35**):

February 19
First reading, referred to State & Local Government.

SLG-Majority; 1st substitute bill be submitted, do pass.

Passed to Rules Committee for second reading.

Made eligible to be placed on second reading.

Placed on second reading by Rules Committee.

1st substitute bill substituted.

Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third Reading, failed: yeas, 22; nays 24; absent 3.

- 4.50 On January 19, 2000, at 2:05 PM Beth Purcell sent an email to Anne Fiske-Zuniga, with the City of Seattle Department of Neighborhoods asking her what she thinks about someone coming to talk with the sector managers about what they are doing with Pro Parks and what it may do for the NP Projects. Ms. Fiske-Zuniga thinks this is a great idea and gives a possible date of February 14, 2000. Ms. Purcell responds; "Better late than never we are trying to build support in the communities."
- 4.51 On January 19, 2000, at 5:48 PM Beth Purcell emails Paula Hoff, a Seattle Parks Department employee working for Deputy Superintendent Patricia McInturff, regarding PRO Parks. See Exhibit #36, Document No. # 0108 (See bottom portion of email). Ms. Purcell informs Ms. Hoff that she

"I met with Patricia today and she said that you are available to help with some of this so I am going to take you up on your offer to help! Here goes: I have left a copy of the District Council meetings that are coming up and want to make sure that we have folks from the Committee to go to them and would like to get on the agenda to talk about PRO Parks. Could you start contacting them to get folks scheduled..."

"Work on getting letter of support-this goes hand in hand (in many cases) with the District and Community Council meetings. Other groups such as 1000 Friends of Washington, Land Conservancy, etc. also need to be targeted. Get copies of the Q & A (attached to email-check with Patricia to see if she wants the Pro Parks description piece sent out too) out to the communities. I have two mailing lists that we should use if you can draft a letter. The lists include community council folks and neighborhood stewards. They are attached."

4.52 On January 21, 2000, at 7:43 AM Susan Crowley, lobbyist for the City of Seattle sent an email to Dan Stecher, a member of the PRO Parks 2000 Committee regarding southeast district council endorsement. **See Exhibit #37, Document #0113.** In the email, Ms. Crowley states the following:

"These endorsements are very helpful, particularly since some members of the Seattle delegation are hearing from other neighborhood groups (Eastlake and Ravenna are two I've learned of) in opposition."

"All – Are there groups in the 32nd, 43rd, or 46th legislative dist. that can contact their legislators with their support? Also, (my broken record speech) please make sure each member of the Committee has contacted all three of their legislators directly via phone and/or email. For those coming down next Thurs. for the hearing, please let me know today who they are, when they will be arriving, how much time they have to meet w/legislators, what district they are from, and who else they/their organization(s) have good relationships with."

4.53 On January 21, 2000, at12:55 PM Barbara Pelfrey, assistant for Seattle Parks Deputy Superintendent Patricia McInturff emails Beth Purcell regarding an urgent request from Ms. McInturff. See Exhibit #38, Document #0151 (bottom portion of email contains the original message). In the email Ms. Pelfrey states the following:

"Patricia just called and asked me to have you call all of the Pro Parks people, Park Board people, and any others of interest, asking for their grassroots support requesting them to call and or email their Seattle Legislators today and ask for their support."

4.54 On January 24, 2000, a letter was sent from Kenneth R. Bounds to Friends of Parks and Recreation. **See Exhibit #39**. Mr. Bounds discussed the work of the Pro Parks Committee, talks about the legislation, funding options, the projects that could be included, and a future ballot proposition. Mr. Bounds stated the following:

"I am writing to encourage your support of the recommendation by the PRO Parks 2000 Committee....completed its first major task: a recommendation that the Mayor and the Seattle City Council pursue legislation in Olympia to create a Local Parks Authority (LPA)."

"Attached is a summary of the Local Parks Authority legislation, commonly asked questions and answers regarding the legislation, and a letter to the State Legislators from the PRO Parks 2000 Committee."

"This is an extremely important effort and we wanted to keep you informed of the latest developments. Please feel free to contact me at 684-8022, or Patricia McInturff at 684-8011, if you have any questions or would like more information on the recommendations."

4.55 On January 24, 2000, letters were sent from the City of Seattle, and signed by Mayor Paul Schell, Seattle City Council President Margaret Pageler, and Seattle City Councilman Lick Licata to seven State Senators on the Senate State and Local Government Committee. See Exhibit #40, Document #1333-1334. This document in this exhibit was addressed to Senator Georgia Gardner, but other letters were provided that were sent to Senator Pat Hale, Senator Mary Magaret-Haugen, Senator Jim Horn, Senator Adam Kline, Senator Bob McCaslin, and Senator Julia Patterson. The letter thanked each senator for hearing SB 6566, provided them with background about the Pro Parks 2000 Committee, and talked about the Zoo Society and Seattle Aquarium. The letter went on to finish as follows:

"Again, we thank you for hearing SB 6566 and ask you to act to move this legislation forward through your committee and through the Senate. We greatly appreciate your time and consideration."

4.56 On January 24, 2000, at 10:54 AM Beth Purcell emails Barbara Pelfrey and Margaret Anthony, both employees of the Seattle Parks Department. **See Exhibit** #41. In the email, Ms. Purcell stated the following:

"Attached is the letter that went out to the community councils...the need for contacting legislators is NOW!!!!...I have added your managers (Chris and Maureen to our email list so they will receive info too)"

4.57 On January 24, 2000, at 4:03PM Susan Crowley, lobbyist for the City of Seattle sent an email to Senator Kohl-Welles entitled "Cheat Sheat." See Exhibit #42. Ms. Crowley states in her e-mail to Senator Kohl-Welles that:

"I'm sure you have received the latest flurry of emails....I am waiting to hear from Parks about who will be down to testify (one person to lead and one prepared to respond to testimony in opposition, plus testimony from the Zoo and Aquarium) and who will be down as a show of support-we are hoping to get people in to meet w/members of the delegation as well, once their attendance is confirmed."

"The Pro Parks 2000 letter was delivered to all of the legislators today, and there is a copy attached to your Seattle Legislative Bulletin as well. Grassroots efforts are continuing with the help of Pro Parks, the Zoo Society, and the Parks Dept."

4.58 On January 24, 2000, at 10:03PM (see original message) Beth Purcell sent an email to Janet Pelz, Kenneth Bounds, Patricia McInturff, Susan Crowley and Melinda Williams, regarding status of committee members in Olympia. **See Exhibit # 43, Document # 0134-0135.** In the email Ms. Purcell confirms she has spoken with eight Pro Parks committee members who have committed or have already contacted their representatives in the following districts – 11th, 37th, 46th,43rd, and 36th. Ms. Purcell lists eleven Pro Parks committee members who will be focusing their call to various districts in the Seattle area, and goes on to state the following:

"I spoke with Peter North who has spoken with Jacobsen and Kenney and was going to talk with McIntyre. We should talk to him about his ability to trigger the fields email chain. It's a big one, and could be helpful if they're willing to join in w/ the advocacy effort. Are there related organizations that have a similar capacity?"

"Looks like we still need more work in the 32nd and the 43rd-we need to get folks in to see Sen. Fairley and all the legislators from the 43rd-Pat, Ed, Frank, or his sr. aide Kollin. It would also be helpful to check and see if any of the committee members have particularly good relationships w/any legislators other than their own. Thursday is shaping up..."

- "...Catherine Anstett (not a Pro Parks 2000 Committee member) is also confirmed. If all of those end up attending we will be at 8 which is what I understood is our target number. I will keep everyone posted. Please let me know how writing the testimony goes-and if you need me to help write/cut and paste anything."
- "...I can check to see if any of the noted legislators are available during the lunch hour. If not, they could at least swing by the three offices and leave personal notes with their aides. FYI-I contacted James, Vivian, Sue Taoka, Mike Little, Kay Rood, and Peter-none of these folks can make it on Thursday. If you have suggestions on the above list or want to see an extra effort with someone else on the Committee let me know and I will get the word out."
- 4.59 On January 25, 2000, at 9:13 AM Melinda Williams, public affairs consultant for the Woodland Park Zoo Society emails Beth Purcell regarding the status of some legislative committee members in Olympia. See Exhibit #44 (top portion of email). In the email Ms. Williams states the following;

"Thanks, Beth. It's just critical that we get these folks to contact their legislators as soon as possible. In addition to simply contacting their own representatives, however, this groups needs to be contacting each member of the Seattle delegation to shore up their support. Jorgen has contacted all of them – despite the fact that he doesn't live in every district..."

"If we could send a blast email with the names of the legislators to contact, maybe that would help. Let me know if you need that list. "It sounds like a good group heading to Olympia on Thursday. The zoo will have Bill Lewis and Dave Towne..."

4.60 On January 25, 2000, at 2:25 PM Beth Purcell sends an email to all PRO Parks 2000 Committee members regarding a "Call to Action". **See Exhibit #45, Document No. #0178 & 0179.** In the email, Ms. Purcell states the following:

"Dear Pro Park Committee Members -

After all of the hard work that you have done, we are now at a very critical milestone-getting through the Senate Committee. The Committee hearing is this Thursday, January 27th in Olympia from 1:30-3:30. We have been told by our lobbyists to have a good showing from the PRO Parks Committee but not to flood the hearing with too many people'

"Most importantly, legislators need to hear from you and they need to hear ASAP!!!!"

"...they need to hear of your support for the Local Parks Authority (LPA). Unfortunately, the messages that several legislators are hearing are from the opposition. There are some legislators in particular that appear to be concerned about the lack of positive supporters of the LPA and we would like you to please contact them now and let them know of your support."

The list of legislators included Senators Thibaudeau and Fairley, Representatives McIntire, Murray, and Santos, and Co-Speaker Chopp. Ms. Purcell went on to inform the email recipients that in addition to contacting their own legislators, they may send letters or emails to the Senate Committee.

4.61 On January 25, 2000, at 3:53 PM, 88 minutes after receiving this email from Beth Purcell, Herbye White, the Central Area Parks Director for the Seattle Parks Department sent an email to Jackie Giuliano, Kerry Lasko, and Pat Elder (all are employees of the Seattle Parks Department. See Exhibit #46, Document # 0180. The email had the subject listed as "FWD: Call to Action", with Cc's of the email sent to Beth Purcell, Kenneth Bounds and Patricia McInturff. Mr. White states in the email;

"We need to do everything we can to get the work out (without using city resources) to have supporters call/email our State Legislators regarding Pro Parks 2000 legislation. This is an extremely important initiative that will being new resources to DPR and the City for much needed programs and projects. Please make a personal commitment to educate and communicate the efforts of Pro Parks 2000 and let me know what steps you have/will take to enhance this major proposal?"

When interviewed under oath, Mr. White did not recall sending the e-mail, and also did not recall receiving any feedback from the e-mail.

- 4.62 On January 25, 2000, at 4:18PM, Pro Parks committee member Lucy Steers sent an e-mail to Beth Purcell advising her that she will not make the senate hearing on Thursday. Ms. Steers advises Ms. Purcell that she knows all the legislators listed and will email all showing support.
- 4.63 On January 25, 2000, at 9:02PM, Ms. Purcell responded to Ms. Steers e-mail regarding the "Call to action". **See Exhibit #47.** The e-mail stated the following:

"Lucy-I am sorry to hear that you won't be able to join us on Thursday. You will definitely be missed as Susan Crowley said that Senator Kohl-Welles had specifically asked if you would be there. Thanks for sending the emails to the legislators- you may want to include Senator Kohl Welles in that list too".

4.64 On January 25, 2000, at 9:35PM Beth Purcell emails Janet Pelz, Ken Bounds, Melinda Williams, and others regarding status of Olympia delegation. See Exhibit #48, Document #0161. Ms. Purcell confirms that four members of the PRO Parks Committee and one former Parks Department employee will be going to Olympia as part of the Olympia delegation. She included a short biographical on each member, and goes on to state that several key PRO Parks Committee members are not able to make the trip to Olympia. Ms. Purcell went to state the following in the email:

"I need to know whether these 5 are enough or we want to keep pushing to have more folks there. Ken will be going so that makes 6 people in addition to the Zoo (David and Bill) folks and the Aquarium folks. Susan and Martin (via Melinda)- how do those number feel to you????"

"I made lots of calls in addition to the "Call to Action" email and got great responses from our Committee-everyone said they would hammer away at those legislators identified in the email as well as their own. If you have a few others to add and are comfortable with the email approach, we can always send another email if needed."

- 4.65 The draft meeting minutes of the December 22, 1999, PRO Parks Community Strategy Subcommittee meeting included a section about subcommittee work. One of the bullets on page 2 of the draft meeting minutes stated "Organize a lobby day in Olympia-Caterine to help". The first person listed in Ms. Purcell's email was Catherine Anstett whom she states in her bio is a former Parks Department employee (currently a parks department employee), and not a Pro Parks member. Although the draft meeting minutes in Document # 0059-0060 list her as a Pro Parks member. No one interviewed specifically recalled being involved in a "lobby day", other than Superintendent Bounds and Deputy Superintendent McInturff who were already in Olympia attending a meeting of the Washington Recreation and Park Association (WRPA). They both asked members of the WRPA to join them the next day to lobby in support of SB 6566.
- 4.66 On January 25, 2000, at 9:40 PM Karen Daubert, a member of the Pro Parks Committee sends an email to Beth Purcell regarding the call to action. In the email, Ms. Daubert asks for an outline of the major points that are critical to cover in Olympia. Ms. Purcell responds at 10:07 PM agreeing to get the speaking points to Ms. Daubert by tomorrow evening.
- 4.67 On January 25, 2000, at 10:09 PM Beth Purcell sent an email to Susan Crowley asking Ms. Crowley what the status is for the Thursday meeting with legislators. Ms. Purcell says she has some folks that are open to going early. She indicates Ken Bounds is attending also.

4.68 On January 25, 2000, at 11:03 PM Beth Purcell sends an email to Kay Rood and Jerry Arbes, both members of the Pro Parks Committee with a Cc: to Ms. Crowley, Ms. McInturff and others, regarding a draft letter of support. **See Exhibit #49, Documents #0165 and #0166.** Ms. Purcell states the following in the email (Document #0165):

"Jerry and Kay- Thank you both for your efforts with both Friends of Seattles Olmstead Parks and the Capital Hill Stewardship committee. Attached is a draft letter of support that may help your organizations voice their support for Senate Bill 6566. Please use it however it best works for your representative organization. Kay – I realize that CH Stewards may not have decided to send a letter or take action to support PRO Parks yet – but just in case here it is. Also – if members of Groundswell had the opportunity to talk about this and take action and then felt inclined to send anything that would also be welcome and helpful."

Document #0166 is the draft letter of support that was provided to PRO Parks Committee members and states the following:

"Dear Senator Patterson and Committee Members:

We are writing today to urge you to support Senate Bill #6566, enabling legislation for a Local Park Authority. We strongly support this legislation and ask you to pass it from your committee. Our organization supports the work of the Pro-Parks 2000 Committee which has spent months carefully considering and deliberating the best means for meeting the many park, recreation and open space needs in Seattle. They have determined that a modification of the Metropolitan Parks District – a LPA – is the best way to meet our needs...."

"As the population grows in Seattle, the desire for parks, open space and opportunities for recreation also grow. We hope that you agree with our organization and the work of the PRO Parks Committee and that you will support SB 6566. We greatly appreciate your time and consideration."

4.69 On January 26, 2000, a letter signed by Kenneth R. Bounds and Patricia McInturff was sent to Pro Parks Members and Interested Citizens. **See Exhibit #50, Document #0223.** The letter indicated that a number of documents were attached including the revised criteria for open space, greenbelts and natural areas, draft funding allocations, a Q & A sheet, Senate Bill 6566, a Legislation Overview, and a section-by-section analysis. The letter went on to state the following:

"Dear Pro Parks Members and Interested Citizens:

This is an exciting and very busy week! Many Pro Parks Committee members have put lots of effort into demonstrating and advocating for the support of the Local Parks Authority (LPA). The Senate Committee hearings on the LPA (Senate Bill 6566) will be heard on Thursday, January 27, 2000. We are hoping to report positively on that hearing at our next meeting." "We hope to recommend a set of criteria at our meeting on Tuesday, February 1st so please be prepared with your recommendations. In addition to these proposals, we have included updated materials relating to the legislation in Olympia."

In the interviews conducted, no one was able to recall the number of letters printed and sent by the Seattle Parks Department, and who the recipients were other than at least 28 Pro Parks members.

- 4.70 January 26, 2000, 9:09 AM, e-mail from Susan Crowley to Beth Purcell regarding a "Call to Action". Ms. Crowley asked Lucy Steers, a member of the Pro Parks Committee if she has a good relationship with Senator Haugen and if she felt comfortable to please contact her as her support is needed.
- 4.71 January 26, 2000, 9:26 AM, e-mail from Susan Crowley to Beth Purcell regarding the call to action. Ms. Crowley informed Ms. Purcell that Seattle City Council member Nick Licata signed the letter of support to the members of the Senate Committee.
- 4.72 January 26, 2000, 10:11 AM, e-mail from Alix Ogden, a Seattle Parks Department employee sent to number of private citizens with a Cc: to Beth Purcell and others, regarding information about funding for park/open space/recreation projects. **See Exhibit #51.** Alix Ogden stated the following in the e-mail:

"If you feel strongly about this issue and financing of park, open space and recreation projects, your legislators need to hear from you ASAP. There are some legislators that need to hear from you. They include.." (list included six Seattle area legislators).

"In addition to contacting your own legislators listed above, you may send letters or email to the Senate Committee by addressing them to: Committee Chair Senator Julia Patterson..."

- 4.73 January 26, 2000, 11:26 AM, e-mail from Kay Rood, The Capitol Hill Neighborhood Plan Stewardship Council, to Senator Patterson and Committee Members. Ms. Rood expresses support for SB6566 and asks that it be passed from the committee.
- 4.74 January 26, 2000, 12:29 PM, e-mail from Karla Shaw to Beth Purcell regarding Thursday. Susan requested Ms. Shaw attempt to schedule meetings with Senators Fairley and Thibaudeau and Representatives Murray, Santos, Tokuda, Sommers, and Dickerson. Tim Baker "unofficially" met with Representative Dickerson at 1PM in Leg. 412. See Exhibit #60.
- 4.75 January 26, 2000, 5:11PM, e-mail from Beth Purcell to Catherine Anstett, Dan Stecher, John Barber and other Pro Parks 2000 Committee members regarding the "Olympia road-trip". **See Exhibit #52.** Ms. Purcell states the following:
 - "...thanks for taking the time to go to Olympia and support your work!!!! The details on getting there, etc. are the following: Catherine Anstett will be bringing her van and everyone is meeting here at 100 Dexter Ave. N. at 11:50AM, with a departure at noon..."
 - "Catherine can fit everyone into the van. Those confirmed are: Catherine, Kathlenn Warren, Tim Baker, Karen Daubert, John Barber, Dan Stecher, Ken Bounds. The designated speakers (because we have been asked to limit speakers) are Karen and Dan..".
- 4.76 Janary 27, 2000, 7:22PM, e-mail from Lucy Steers, a member of the Pro Parks Committee to Senator Julia Patterson and State and Local Government Committee members. Ms. Steers registers her strong support for SB6566.
- 4.77 On January 27, 2000, at 10:08 PM, Susan Crowley sent an email to Beth Purcell regarding the Olympia Roadtrip. **See Exhibit #53.** Ms. Crowley thanked all for coming to Olympia and went on to state::
 - "...keep up the good work from home, contacting key legislators. I think it would be useful if you sent thank you emails/calls to the members of the committee for hearing the bill (perhaps mentioning a few salient points) and ask them to vote for the bill to pass out of committee."
- 4.78 January 27, 2000, draft letter addressed to; Dear State Legislator from George Willoughby, President Seattle Aquarium and Cindi Shiota, Director Seattle Aquarium. They urge the legislators full support of SB 6566.

- 4.79 January 28, 2000, 3:04PM, e-mail from Janet Pelz to Patricia McInturff regarding MPD changes. Ms. Pelz states; "I'll send the same to the representatives of the 46th and will do the same from my home computer under my husbands name."
- 4.80 On January 29, 2000, at12:46 PM, Seattle Parks Superintendent Ken Bounds sent an email to Lucy Steers, a member of the Pro Parks committee. **See Exhibit #54.** The email to Ms. Steers' was a follow-up to her email sent on January 27, 2000 to Senator Patterson and other Senate committee members. Mr. Bounds states:

"Lucy, great e-mail. We are having trouble with Senators Haugen and Gardner...If you haven't already, would you please send your message to them individually, as well..."

4.81 On January 29, 2000, at 1:42PM Patricia McInturff sends an email to PRO Parks Committee members, with a Cc: to Beth Purcell, Janet Pelz and Kenneth Bounds regarding update on what was happening in Olympia. See Exhibit #55, Document No. #0280. Ms. McInturff updated recipients and added the following:

"On Thursday we were confident that we had the 4 votes that we needed to get the LPA out of the Senate Local Government Committee. On Friday we learned that one of our Yes votes, Sen. Georgia Gardner from Bellingham, may change her mind. (Our best guess is that Sen. Heavy put pressure on Sen. Gardner to change her vote.)..."

"The good news is that the Committee vote has been moved from Tuesday to Thursday so we have time to work the issue. We will have a more complete update for you on Tuesday night."

"Our purpose in writing is to keep you updated and ask for your help. If any of you have influence or know of anyone who has influence with Senators Hougen or Gardner please contact them ASAP. Our first choice remains the passage of the LPA. If any of you hear anything from your legislators please let us know. Your lobbying efforts have been invaluable..."

4.82 On January 31, 2000, at 12:54 PM Melinda Williams sent an e-mail to Patricia McInturff, responding to her earlier e-mail about Senator Kline. **See Exhibit #56, Document #2005.** The e-mail stated the following:

"Does Kline have any pull with Gardner? Martin tells me that Gardner received a flurry of email over the weekend, so our efforts to get folks to contact her worked. Let's see (me?) know if they have any effect."

4.83 On February 10, 2000, at 11:40 AM Jennifer Cargal, an employee of the Seattle Parks Department sent an e-mail to Superintendent Ken Bounds, Susan Crowley, lobbyist for the City of Seattle, and Paula Hoff, Seattle Parks Department employee with the subject listed as "School District Letter-draft attached. See Exhibit #57, Document #1585-1587. The e-mail stated the following:

"A draft of the letter is attached. Once Ken has reviewed it, Susan can get it to Cheryl Ellsworth at the School District."

4.84 The draft letter was addressed to State Senator Syd Snyder and stated the following:

"I am writing to convey my support for Senate Bill 6566, and request your support for this important bill. As you may know, the Seattle School District and Seattle Parks and Recreation have a strong partnership that allows us to provide a broad range of services to Seattle's children, families, and neighborhoods."

"Senate Bill 6566 is crucial to the City's continuing efforts to meet the needs of our community as identified by our citizens by providing the opportunity for Seattle's residents to increase resources for the Parks and Recreation system. This will benefit not only the Parks system but the thousands of children and youth in the Seattle School District..."

"I ask your support for this bill and your assistance in moving out of committee. Your efforts support not only the Parks and Recreation system in Seattle but the School District as well. It is a bill that well serves our citizens. Thank you for your assistance. Please do not hesitate to call if I can be of assistance to you. Sincerely, Joseph Olchefske, Superintendent."

- 4.85 On February 15, 2000, the Washington State Senate allowed floor amendment(s) to be introduced to Senate Bill 6566. The rules were then suspended, where it was placed on Third Reading and subsequently failed with 22 yea votes, 24 nay votes, with Senators absent.
- 4.86 On February 18, 2000, Superintendent Ken Bounds e-mails the Pro Parks 2000 Committee members. **See Exhibit #58, Document #1954-1955.** Superintendent Bounds stated the following:

"Dear Committee Members:

After getting over the disappointment from the defeat in the Senate of SB 6566, I am still optimistic that we can make the fall ballot. I want to thank all of you for your dedication to this effort, and the work put into the effort to date. Regardless of what type of ballot issue we go forward with, the attributes developed for the LPA can be used in shaping the package."

- 4.87 The e-mail went on to discuss the two alternatives for funding, bond issues and special purpose levies, and to talk about the mayor, city council, and aquarium. The e-mail concludes by stating they are still on track to make the fall ballot and that they have two funding options to consider.
- 4.88 The Pro Parks 2000 Committee convened five additional meetings between March 1, 2000, and April 25, 2000, the final meeting of the committee. The Pro Parks Committee worked on developing which parks and recreation projects to include in their recommendations to the Mayor and City Council. A number of documents submitted by the Seattle Parks Department indicated that workshops were conducted, questionnaires and mailers were sent out soliciting input about specific parks and recreation projects.
- 4.89 On May 19, 2000, Superintendent Bounds sent a letter addressed to "Parks and Recreation Supporters". **See Exhibit #59, Document #2828.** The letter stated the following:

"Many of you have been following the work of the Pro Parks Committee over the past year and I am excited to announce that we have reached a significant milestone... the Mayor has endorsed the work of the Committee and has presented his proposal for a levy lift for "Neighborhood Parks, Green Spaces, Trails, and the Zoo. The Mayor presented his proposal for a \$223 Million, 8-year levy to the City Council on May 15, 2000. The package includes a wide range of projects and programs to benefit the citizens of Seattle."

"...Thank you again for your continued interest in this very important effort. The City Council will begin their deliberations on this proposal next week and will hold a public hearing in June. I hope you take a moment to review the enclosed information. If you would like me to come discuss the Pro Parks 2000 proposal with your organization, please contact my assistant, Josette Valentino..."

Respectfully Submitted this day o	f May, 2001.
Vivit Varia	
Kurt Young	
Chief Political Finance Specialist	

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